

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

D.C., a minor by and through his
Guardian Ad Litem, HELEN GARTER,
Plaintiff,
v.
COUNTY OF SAN DIEGO, et al.,
Defendants.

Case No. 15-cv-1868-MMA (NLS)

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE,
AND**

[Doc. No. 168]

**GRANTING PETITION TO
APPROVE MINOR'S
COMPROMISE**

[Doc. No. 165]

Pending before the Court is Judge Linda Lopez's Report and Recommendation, Doc. No. 168, regarding Plaintiff's petition for approval of minor's interest in settlement, Doc. No. 165 (the "Petition"). In the Petition, Helen Garter, guardian ad litem for minor Plaintiff D.C., seeks an order approving a proposed settlement of D.C.'s claims against all Defendants. Doc. No. 165. The Petition is unopposed. Doc. No. 167. Judge Lopez has issued a thorough and well-reasoned Report recommending that the Petition be granted. *See* Doc. No. 168.

1 Objections to the Report and Recommendation were due no later than January 6,
2 2022. Doc. No. 168 at 4. To date, no objections have been filed, and the time for doing
3 so has expired. *See* Docket.

4 District courts have “a special duty” to “safeguard the interests of litigants who are
5 minors.” *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). The Court is
6 required to limit the scope of its review to “whether the net amount distributed to [the]
7 minor plaintiff in the settlement is fair and reasonable, in light of the facts of the case, the
8 minor’s specific claim, and recovery in similar cases.” *Id.* at 1182. Pursuant to Civil
9 Local Rule 17.1:

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11 No action by or on behalf of a minor or incompetent, or in which a minor or
12 incompetent has an interest, will be settled, compromised, voluntarily
13 discontinued, dismissed or terminated without court order or judgment. All
14 settlements and compromises must be reviewed by a magistrate judge before
any order of approval will issue.

15 CivLR 17.1.a.

16 The Court finds that Judge Lopez has issued an accurate Report and well-reasoned
17 recommendation. The Court concludes that the settlement amount is fair, reasonable, and
18 in the best interest of the minor Plaintiff. Accordingly, the Court **ADOPTS** the Report
19 and Recommendation in its entirety, **GRANTS** the Petition, and **APPROVES** the
20 Settlement as follows:

- 21 1. \$100,000.00 made payable to Structured Assignments SCC to fund future
22 periodic payments to D.C. as outlined in Exhibit 1. Pursuant to the terms of the
23 annuity, at specified intervals, D.C. will receive lump sum payments equal to a
24 certain percentage of the account value plus proportionate index gains pursuant
25 to the Security Benefit Life Insurance Company interest crediting strategies.
26 The annuity therefore promises a guaranteed return that is not tied to the
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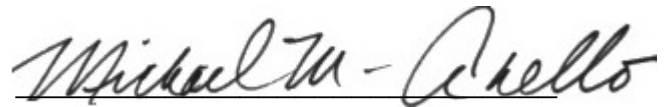
1 performance of the stock market, plus an additional return dependent upon the
2 stock market performance. *See* Declaration of Marjorie Smith.¹

3 2. \$153,540.42 in attorneys' fees, made payable to "The Law Office of Donnie R.
4 Cox."

5 3. \$96,459.58 in costs advanced, made payable to "The Law Office of Donnie R.
6 Cox."

7 **IT IS SO ORDERED.**

8 Dated: January 14, 2022

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10 HON. MICHAEL M. ANELLO
11 United States District Judge
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28 ¹ References to "Exhibit 1" and the "Declaration of Marjorie Smith" are attached to the Petition, Doc. No. 165, and are incorporated herein by reference.